

United States District Court District of Massachusetts

DANIEL E. LAFRENIERE,
Plaintiff,

v.

CIVIL ACTION NO. 04-40070-RBC

UNITED STATES OF AMERICA,
Defendant.

ORDER FOR FINAL PRE-TRIAL CONFERENCE AND FOR NON-JURY TRIAL

COLLINGS, U.S.M.J.

It is ORDERED that the non-jury trial on the issue of liability in the above-styled case commence on **MONDAY, AUGUST 6, 2007 at 9:30 A.M.** at the Federal Building and Courthouse, 1550 Main Street, Springfield, Massachusetts. The case will be tried on a 9:30 - 4:00 schedule and will take two days.

Pursuant to Rule 16, F.R.Civ.P. and Local Rule 16.5 (eff. 10/1/92), it is FURTHER ORDERED that counsel appear for a Final Pre-Trial Conference before the undersigned on **Monday, August 6, 2007 at 9:30 A.M.** The Final

Pre-Trial Conference will be conducted in accordance with Local Rule 16.5 (eff. 10/1/92).

In preparation for the Final Pre-Trial Conference, it is ORDERED that:

Pursuant to Rule 16.5 (C) (eff. 10/1/92), counsel meet PERSONALLY on or before the close of business on Wednesday, June 27, 2007. The meeting shall take place at the U.S. Attorney's Office in Springfield. The purpose of the meeting will be to prepare, either jointly or separately, a pre-trial memorandum, in the form prescribed by L.R. 16.5. The pre-trial memorandum shall be filed (and served if not prepared jointly) on or before the close of business on Wednesday, July 11, 2007. The pre-trial memorandum shall set forth¹:

(1) a concise summary of the evidence which will be offered by:

(a) plaintiff, and

(b) defendant;

with respect to both liability and damages (including special damages, if any), and

[a concise summary of the positions asserted by the plaintiffs, defendants, and any other parties with respect to both liability and damages (including special damages)];

(2) the facts established by the pleadings or by stipulations or

¹ The items which follow track L.R. 16.5(D)(1)-(11) (eff. 10/1/92); the bracketed portions are requirements imposed by the undersigned which are in addition to what is required by that Rule.

admissions of counsel. ***[In particular, counsel shall stipulate all facts not in genuine dispute];***

- (3) contested issues of fact;
- (4) any jurisdictional questions;
- (5) [a list of] any [pending motions] and the questions raised by pending motions [which remain in dispute];
- (6) issues of law, including evidentiary questions, together with supporting authority;
- (7) any requested amendments to the pleadings;
- (8) any additional matters to aid in the disposition of the action;
- (9) the probable length of the trial;
- (10) the names of witnesses to be called (expert and others) [and the purpose of the testimony of each witness, i.e. whether, factual, medical, expert, etc. Unless the qualifications of any medical or other expert witness are admitted, a statement of the qualifications of such witness shall be included];
- (11) the proposed exhibits; and
- (12) [the names, addresses and telephone numbers of trial counsel].

A party who intends to object to any proposed exhibit shall give written notice of the ground of objection to the party offering the exhibit and file a copy of the notice with the Clerk **on or before the close of business on Wednesday, July 18, 2007.**

Counsel shall file and serve, on or before the close of business on Wednesday, July 18, 2007, a designation of those portions of depositions which will be offered into evidence in lieu of live testimony by a deponent. Objections to any portion of the depositions which have been designated and any counter-designation of other portions of the depositions shall be filed and served on or before the close of business on Wednesday, August 1, 2007.

A party who intends to object to the qualifications of an expert witness shall give notice thereof to all other parties, and file a copy of the notice with the Clerk on or before the close of business on Wednesday, July 18, 2007.

Any pre-trial motions (such as motions in limine, etc.) shall be filed and served on or before the close of business on Wednesday, July 18, 2007; oppositions shall be filed and served on or before the close of business on Wednesday, August 1, 2007.

Immediately upon receipt of this order, any counsel who realizes that one or more attorneys in the case have not been notified shall forthwith notify the additional attorney(s) in writing as to the entry of this order, and shall file a copy of the writing with the Clerk.

Failure to abide by the within Order shall subject a party to the sanctions

delineated in Rule 16(f), F.R. Civ. P.

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

April 19, 2007.